

# CONDEMN AND DEFEND THE UNWRITTEN LAW

## TWO SIDES OF THE QUESTION

**Man and Woman, Prominent in Public Life, State Their Views on Subject at Present of Much Prominence—The Right to Defend the Integrity of Family Life Is One of the Pleas Made—Only Punishment to Fit the Crime.**

BY JOAQUIN MILLER.

A woman, good or bad, shot a man, good or bad, in his hotel in our national capital, the other day. She stands, she says, "intrenched behind the unwritten law." She claims to have chased this man from Utah to Washington and shot him to death in his hotel, because he refused to provide for her and her two children; that she has twice been made a mother; that one of the children bears his name.

We have, up to date, been pretty tolerant of the woman who takes a babe on one arm and a pistol in the other hand and pursues a man to his death. But when there are two children, as in this case, one may well ponder a bit before he gives her the tears and tenderness so generously given to the guileless, misguided girl.

Like Highwayman's Act.

A woman cannot well come into court with a family of children and plead seduction and betrayal, as a girl too often does, and have the sympathy of both men and women. This woman's statement is that she asked the man either to marry her or give her money to support her children. He said "No; I will not," and with that she shot him to death, or, at least, did her best to kill him on the spot. Briefly and bluntly she shot him down in his hotel for refusing to give her money. The difference between this act and that of the ordinary burglar or highwayman is not very distinct.

Her declaration that the world will see the justification of her act is as the declaration of an insane woman. And this must be, as you will see, is, her only excuse; and it will be pleaded so soon as a lawyer can be found to take care of her, her only defense. Yet there will be many ready to say "served him just right;" will say "it without waiting to hear one single word of the other side. Sitting at a table to-day, some one read the woman's statement, wherein she supplemented the story of the attempted murder with the assertion that she "had not one cent." Whereupon a beautiful lady of more than ordinary culture and knowledge of the world was moved to tears and sighed: "Not one cent; think of it!" But a hardened man, a husband and father with a family of daughters, sighed from the other end of the table: "Ah, my dear, there are others who have not a cent. If we are to allow all those who have not a cent to set out and chase those down who happen to have a cent or two where will that sort of plea lead us?"

Victim's Morals Irrelevant.

As said before, as to whether this man is a good or bad man, high or low, rich or poor, or whether the woman is either, neither, or all of these, does not figure at all in this dismal and pitiful case. Can a woman leave her children behind her and chase a man thousands of miles, and then when she murders him put as her last excuse the fact that she has not

Count up on your fingers, if you can do it on both hands, how many cases of this "unwritten law" idea have been conspicuous since the silly and insolent young idler in the Tombs began to exploit his defense for shooting a useful and industrious man in the back. Why, right in the column next to the ugly account of the "woman without a cent," who left her babes behind to travel for days and nights to kill a man, you read of a woman killing a doctor and pleading in justification "unwritten law." Pity her? Yes. But put her quietly in some good asylum, and, above all, don't exploit her as you have the young lunatic in the Tombs, who so enjoys being exploited. For see what comes of it all. The most piteous case of this character took place a stone's throw from the White House, in front of the old house where the assassins tried to kill Seward the night Lincoln was murdered. But it took place quite a dozen years before the fateful night at Ford's theater. A young politician of great promise, and, too, of subsequent great achievement, was living with his notably young wife on that same side of the square. A great iron fence enclosed the square at that time. Had it not been for that fence his retreating victim might have fled and escaped.

Two Cultured Victims.

Both the young men in this very first "unwritten law" tragedy were men of fortune, culture and position. One, the son of a poet who wrote "The Star Spangled Banner," the other a member of congress from New York and equally conspicuous and respected. The member of congress, seeing the other leave his home and wave a handkerchief back to his young wife, leaning out of the window, confronted him there by the iron fence in front of his door and telling him of his shame and that he must die, followed him up and shot him to death. I was reading law at the time of the trial and followed the case closely. I remember reading with surprise the plea, not of the advocate, but the plea of the judge for the prisoner. I recall how one of the jurors, the oldest of them all, going down on his knees in a corner of the jury room, prayed long and loud for the divine guidance in holding the hearthstone sacred. The man was acquitted, partly because it was made to appear that he really loved his wife, but mainly because the victim had by his acts and some foolish admission to a friend, made it appear that he had no real heart in the affair, but rather gloried in his crime. It is to be admitted that the hearts of all, both women and men, were with the wronged man, especially when he again took the frail woman to his heart and lived the life of a good husband till death took her from him.

Lines By C. H. Webb.

As an example of the unexampled pity for both parties to the tragedy let me quote a few lines written at the time by C. H. Webb, of New York,

almost anything. But I defy you to find anything like this "unwritten law" in all the lessons, laws, precepts and examples to be found between the lids of the Book of Books. I confine you let us live by the sacred decalogue. There is all the law. Accept the sermon on the mount, the holy lesson of our Savior, who prayed, "Forgive us, as we forgive others."

"Unwritten Law" Is New.

It may be well enough for those who care to entertain any sort of patience with the "unwritten law" plea to understand distinctly that it is entirely of mushroom growth and character. Think of Draco or Lycurgus entertaining such absurdities. You will see nothing of the sort even hinted at in Justinian's code. Coke upon Littleton, no commentator, ancient or modern, ever mentioned anything of the sort. The law was the law, that was all. Blackstone was a brave, bright poet, a sentimentalist as well as mighty expounder of the law. But surely he would have laughed in the face of any advocate who might have dared to talk to him of the "unwritten law." There is literally nothing of the sort outside of America, and there is really nothing of the sort here except a sort of subterfuge for law, used by demagogues. And the sin of it all is the misleading of silly people who mock at the laws that have cost so much toil and are costing so much to maintain them—

threatened her life, if she had retreated to the wall to elude him, it would have been a case of justifiable homicide. But his crime against her was a more atrocious one than murder. It took away her good name, the love and affections of her friends and relations, her future, her faith in and respect for herself—and her trust in God and man.

Written in the Mother's Heart.

And, again, the man takes, under the unrighteous laws of certain states, his child away from its mother. Which law comes first—that written in the statute books or that written in the heart of every mother by the pangs of childbirth? So sure as she lives, that mother will obey the unwritten law, and the child she will have. It is only ten years since there was taken from our statute book the law that a man could by will give his unborn child to whom he pleased, without reference to the paramount claim, by affection and suffering of its mother.

A member of the bar in the one state in the union where there are no divorce laws once told me that in his state they had no serious trouble as to domestic infelicities. "If a man abuses my sister he knows whom he has to deal with." In this case the unwritten law seemed to be preferred to the statute law, which severs the marriage bond on adequate grounds well proven. I suggested to the gentleman that all women were not so



cranks seeking notoriety through the newspapers.

And oh, the pity of it! Pity for living and dead! But pity most for this deadly disease spreading over the land like a plague, which laughs at the decalogue, the holy lessons and the life and death of Jesus Christ, invoking the hideous and defiant plea of "the higher law."

### FOR UNWRITTEN LAW

Dean of the Washington College of Law Defines It as the Right to Defend the Integrity of Family Life.

BY ELLEN SPENCER MUSSEY.

Dean of the Washington College of Law. The unwritten law might be defined to be right to defend the integrity of family life against all invasion and invaders. While the family has no distinct legal entity apart from the persons who compose it, yet, in the interest of society, the law holds the more intimate family relations as sacred and not to be infringed into by a court of justice. It is on this ground that communications between husband and wife are privileged, and they cannot testify as to confidential communications made by one to the other during the marriage.

Marriage is a civil institution as well as a contract, and it should be a religious sacrament. Law cannot make or unmake the true marriage relation, but so far as the relation concerns society and the state, it must control it.

The Family as a Unit.

The law regards carefully all property rights. It deals promptly with the trespasser and the thief, and enforces contracts. The murderer, the embezzler, the perjurer, have justice meted out to them as enemies of the commonwealth.

But the law does not deal with the family as a unit. Every student of sociology knows that the homes of the commonwealth are its real cornerstones, but the law does not so recognize it. It is the one institution still left to the defense of the head of the family. In the very nature of things, there is always a woman in the case. If the crime is against her personally, if she be over the age of 16, what remedy does the law give her?

A young woman went into a city to support herself, unwarned, inexperienced; her faith and her affections found an unworthy object. Too late, she found the man was already married, and in a wild moment she shot him fatally. If the man had boldly

fortunate as to have brothers, but the reply was that seldom was there a case in which there was no male relative, and that he believed that were such a case to arise of gross abuse, there was always to be found in the community a man who would protect the woman and her rights.

Two Noted Tragedies.

Who that reads the recent trial of Gillette for the murder of his victim can forget the coolness with which he claimed he said: "Tell your father; if you don't, I will." There comes a mental picture of that father and what swift vengeance he would have meted out to the destroyer of his child. Was Gillette such a degenerate that to him the unwritten law had no meaning, or was he merely talking for effect?

The unwritten law which says "Vengeance is mine," is no excuse for the disgraceful broils of the degenerate man and woman who find their only pleasure in dissipation. The man who despoils innocence himself—who gives his name and his protection to a woman whose life has been like unto his own, is not in any sense the defender of what the home stands for. His sense of moral obligation for himself is too blunted to fit him, to judge of the transgressions of another. He is himself an outlaw when judged by the standards of common morality. His propensity to shoot is the result of a heated brain, or the lack of brains.

No woman, no man, is safe with such a creature at large.

Let us add to the unwritten law another section: "Let there be no invasions against the chastity of woman, but only straightforward statements with page and verse," and the violator of this law shall be placarded: "This person took away the good name of another without cause," and walk the streets in shame.

In the heart of every man, there dwells first, absolute faith in his mother. That is his birthright, and in proportion to his faith in and affection for his mother will be his faith in and affection for his wife. On that foundation is built his attitude to his offspring. The true son, the true husband, the real father, in all these relations, owes to the home a clean standard of living. He should never invite into that home a man who does not himself respect virtue. The man who is a despoiler of virtue in one instance is an unsafe guest and friend. How much more so, when license is his rule of conduct.

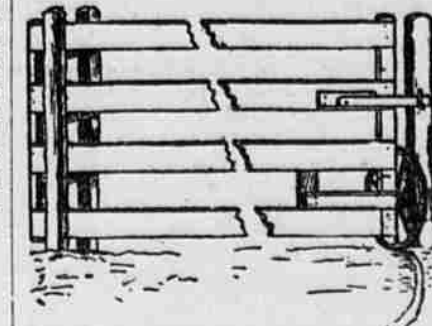
"Protect my innocence or I fall into the trap that is laid for me."



**GATE WITH A WHEEL ON IT.**  
The Swinging of a Heavy Gate May Be Made Easy.

Many times for various reasons it is necessary to have an extra long gate on the farm. Generally a wide gate is heavy and hard to handle in opening and shutting. The sketch which I am sending you illustrates an easy way of overcoming the difficulty of handling a heavy gate, writes a correspondent of Prairie Farmer.

In attaching the wheel to the gate I first take a piece of 2x4 about three feet long and size one end down until it will enter the hub of an old culti-



Wheel Attached to Heavy Gate.

vator wheel. After the wheel is fastened to the end of the 2x4 I fasten the latter to the gate by two or three strong bolts. Place the 2x4 and wheel just high enough so the gate will clear the ground when swung to one side. When the gate is shut the wheel stands between the end of the gate and the post, as shown in the cut. When a gate of this kind is arranged properly a child can open and shut it without difficulty.

GOOD SOIL FOR CROPS.

Some Comments By J. F. Wojta, of Gustavus Adolphus College.

An ideal soil for the growth of crops should be one containing the property of being friable, loose and porous; one that retains a reasonable amount of moisture and heat; one that will allow itself to be worked over easily and of which drainage is good; one whose aeration or ventilation is good. To get such a soil we would recommend the following composition:

1. A certain amount of clay, enough to regulate the capacity of the soil for water and heat as well as mineral matter.
2. A certain amount of humus to supply nutrition and regulate capacity for moisture, heat and chemical action.
3. A certain amount of sand to increase capacity for drainage and tillage.

This would, in brief, furnish a good mixture of the various soils for such climate as is found in this middle northwest.

TIMELY HINTS.

Coach horses are rapidly increasing in prices notwithstanding manufacturers of automobiles are full of business also.

The Kafir corn introduced for trial in the arid region in the southwest, where it has succeeded remarkably well, makes very excellent meal.

It is a splendid time, these cold days, to sharpen up the saws, grind the axes and fill the box with kindling. While you are at it, don't forget the butcher knife, the shears your wife uses and the chopping knife.

A correspondent of the Rural New Yorker tells that paper that a flock of seven sheep brought him in \$100 in a year. If a large flock can be made profitable in that proportion, there should be no question about the advisability of keeping sheep.

A common wire brush can be used to remove the rust from farm tools. If a finer finish is desired a bit of sand paper will answer the purpose. After this treatment apply some good metal paint. This will prolong the life of any iron or steel tool.

There is a demand both for little pigs and for hogs. Therefore pork is not likely to decline in price in the near future. The conversion of a large part of the enormous corn crop into pork is sure to be profitable to all who engage in it.—Farm Journal.

Fall Seeding of Alfalfa.

The Pennsylvania experiment station has gained much experience in fall and spring seeding of alfalfa, and says that the principal objection to spring seeding is that weeds come up and choke out the young plants before they can get a good start. The fall seeded alfalfa on dry land was able to withstand the severe winter climate perfectly—in fact, better than the common red clover. Under average good conditions from 20 to 30 pounds of seed should be sown to the acre. Manure gave better results on Pennsylvania soil than did commercial fertilizer. Lime did not give satisfactory results. In some instances it gave no appreciable results, and in others it was decidedly harmful, but in no case was it applied to advantage. Deep, well-drained soils are the best for growing alfalfa.

Husk in the Barn.

When corn is to be husked from the shock in cold weather, time may be saved and comfort added by hauling part of it to the barn. Cold and stormy days may then be used to advantage in husking corn in the barn.

### TORTURED WITH GRAVEL.

Since Using Doan's Kidney Pills Not a Single Stone Has Formed.

Capt. S. L. Crute, Adj. Wm. Watts Camp, U. C. V., Roanoke, Va., says:

"I suffered a long, long time with my back, and felt draggy and listless and tired all the time. I lost from my usual weight, 225, to 170. Urinary passages were too frequent and I have had to get up often at night. I had headaches and dizzy spells also, but my worst suffering was from renal colic. After I began using Doan's Kidney Pills I passed a gravel stone as big as a bean. Since then I have never had an attack of gravel, and have picked up to my former health and weight. I am a well man, and give Doan's Kidney Pills credit for it."

Sold by all dealers. 50 cents a box. Foster-Milburn Co., Buffalo, N. Y.

Country youths sow wheat and raise corn, but some of their city cousins sow wild oats and raise Cain.

FILES CURED IN 6 TO 14 DAYS.

PAZO OINTMENT is guaranteed to cure any case of itching, blind, bleeding or protruding Piles in 6 to 14 days if money refunded.

Insist on Insularity.

The people of Cornwall's coast object to the Great Western Railway company applying foreign names to their climate and scenery. One advertisement called a certain locality the "English Riviera," and a Cornishman at a meeting of protest the other night said Cornwall had "nothing to gain by being called after something in the south of France or a dirty little Italian town."

\$100 Reward, \$100.

The readers of this paper will be pleased to learn that there is at least one dread disease that anyone has been able to cure in all its stages, and that is Catarrh. Hall's Catarrh Cure is the only positive cure now known to the medical fraternity. Catarrh being a constitutional disease, requires a constitutional treatment. Hall's Catarrh Cure is taken internally, acting directly upon the blood and mucous surfaces of the system, thereby destroying the foundation of the disease, and giving the patient strength by building up the constitution and assisting nature in doing its work. The proprietors have so much faith in its curative powers that they offer One Hundred Dollars for any case that it fails to cure. Send for list of testimonials. Address: J. C. HENRY & CO., Toledo, O. Sold by all Druggists, 75c.

Take Hall's Family Pills for constipation.

Peru Claims Kuroki.

Gen. Kuroki, the famous Japanese soldier, has been variously described as of Polish, Russian and German extraction. Another interesting chapter has been added to this genealogical symposium by an official publication in the Official Gazette, of Lima, Peru, which makes the claim, and submits a plausible statement of facts to prove it, that Kuroki's father was a Peruvian patriot whose name was Transito Charroqui. It is also declared that the general's father was a descendant of the Incas, who themselves are believed to have been descendants of an Asiatic race, so Kuroki is an atavism and has come into his own in the land of his fathers.

ODELL OBEYED HIS FATHER.

Emphatic Message That Broke Up Conference of Politicians.

Four years ago, when ex-Gov. Odell, of New York, was coming up for a re-nomination at the convention in Saratoga, there was a plan to put a man on the ticket with him for lieutenant governor to whom Odell objected strongly.

The governor's father, 88 years old, a deacon in the church and very strict in religious matters, was in Saratoga. There was a conference at one of the hotel cottages that lasted until late in the morning. The other leaders were trying to force Odell to take the obnoxious man.

About two o'clock Odell's father, who had heard what was going on, stalked angrily over to the cottage and rapped on the door. Frank Platt, son of Senator Platt, came to the door.

"Well?" said Platt sharply.

"I want to see my son," demanded Odell.

The governor came to the door.

"What is it, father?" he asked.

"Ben," said the old deacon, "tell them to go to—!"

"Yes, father," replied the governor obediently, and he went back and did just that.—Saturday Evening Post.

POSTUM CEREAL CO., LTD.

Guarantee On Their Products.

We warrant and guarantee that all packages of Postum Cereal, Grape-Nuts and Elljahl's Manna hereafter sold by any jobber or retailer, comply with the provisions of the National Pure Food Law, and are not and shall not be adulterated or mis-branded within the meaning of said Act of Congress approved June 30, 1906, and entitled, "An act for preventing the manufacture, sale or transportation of adulterated or mis-branded or poisonous or deleterious foods, drugs, medicines, liquors, and for regulating traffic therein for other purposes."

POSTUM CEREAL CO., LTD.

C. W. Post, Chairman, Battle Creek, Mich.

Dec. 12, 1906.

Subscribed and sworn to before me this 15th day of December, 1906.

BENJAMIN F. REID, Notary Public.

My commission expires July 1, 1907.

Our goods are pure, they always have been and always will be, they are not mis-branded. We have always since the beginning of our business, printed a truthful statement of the packages of the ingredients contained therein and we stand back of every package.

### Recent Cases Involving the So-Called "Unwritten Law"

**Mrs. Anna Bradley**

Shot and killed former Senator Arthur Brown of Utah in Washington hotel for refusing to marry her. Held on murder charge.

**Mrs. Angie Birdsong**

Killed Dr. Thomas Butler at Monticello, Miss., for boasting of alleged relations with her. Found guilty of manslaughter.

**Amasa C. Campbell**

Killed Dr. Benjamin Harris of Chicago in lawyer's office because he says victim wrecked his home in Antigo, Wis. Case pending.

**Lucille McLeod**

Tried on charge of murdering William T. Nieman of Chicago in Empire hotel. Nieman had promised to marry her. Was acquitted.

**Harry K. Thaw**

Killed Stanford White in New York Roof Garden Theatre, alleging White had ruined his wife, Evelyn Nesbit Thaw. Murder trial pending.

**Nan Patterson**

Tried and acquitted of killing Caesar Young, a bookmaker, in a cab in New York. Had lived with Young, who was married.

a cent? Surely any one not entirely insane should have saved the price of the fare for her children. "Unwritten law," indeed! There is a weak and foolish fop in New York who has kept the press busy for half a year guessing whether he will plead in defense of cowardly murder, when he slipped up and shot a brilliant man of brains and achievement in the back, this same "unwritten law" or simply emotional insanity.

Now, have we not had about enough of this "unwritten law" nonsense? Who will be the next man or woman to shoot someone in the back or belly, and plead the "unwritten law"? I say and you know that had it not been for the noisy and foolish fop in the Tombs with his plea about the "unwritten law" this poor woman out of the far west would be at home to-day with her children and her victim on his feet about his business.

son of a prominent politician of the time, and our minister to Mexico: This for the wronged member of congress:

Blood on his hands.  
A stain on his bed;  
Pity them all—  
Living and dead.

And this is for the handsome and dashing betrayer:

Billows of soul  
Swell o'er his breast  
Fleeting with God—  
There let him rest.

Sentiment is noble and inspiring. I have no use for either man or woman without deep and sincere sentiment and sympathy in all things. But you search the Bible in vain for anything like this "unwritten law" disease. There are those who tell you that you can find anything you want to find in the Bible. And, true, you can find many strange things. You can find